

**RESOLUTION #19-2010  
ORDINANCE AMENDMENT #12-2009**

1 Ordinance Amendment offered by Supervisors of the Planning and Zoning Committee.

2  
3 Resolved by the Board of Supervisors of Oneida County, Wisconsin:

4  
5 **WHEREAS**, the Planning & Zoning Committee, having considered Ordinance  
6 Amendment #12-2009, (copy attached) which was filed November 11, 2009 to amend  
7 the Oneida County Zoning and Shoreland Protection Ordinance, and having given  
8 notice thereof as provided by law and having held a public hearing thereon December 2,  
9 2009 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of  
10 the facts pertinent to the changes which are as follows:

11  
12 **WHEREAS**, Section 9.93 (D) Minimum Lot Area is being revised to be consistent  
13 with the proposed revisions to Chapter 15, The Oneida County Subdivision Ordinance;  
14 and

15 **WHEREAS**, the lot sizes will stay the same; and

16  
17 **WHEREAS**, the changes will ensure a minimum buildable area; and

18  
19 **WHEREAS**, the Towns were provided with written notice of said changes and no  
20 Town objected; and

21  
22 **WHEREAS**, the Planning and Zoning Committee has carefully studied the  
23 proposed changes after listening to comments made at the public hearing and  
24 recommends approval; and

25  
26 **NOW THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVIORS DOES**  
27 **ORDAIN AS FOLLOWS:**

28  
29 Section 1: Any existing ordinances, codes, resolutions, or portion thereof in conflict  
30 with this ordinance shall be and are hereby repealed as far as any conflict exists.

31 Section 2: This ordinance shall take effect the day after passage and publication as  
32 required by law.

33 Section 3: If any claims, provisions, or portions of this ordinance are adjudged  
34 unconstitutional or invalid by a court of competent jurisdiction, the remainder of the  
35 ordinance shall not be affected thereby.

36 Section 4: Additions noted by underline; deletions noted by ~~strikethrough~~.  
37 Chapter 9 of the Oneida County Zoning & Shoreland Protection Ordinance is amended  
38 as follows:

39  
40 **Section 9.93**

41  
42 D. Minimum Lot Area  
43

- 44 1. Each lot shall have the minimum lot area as listed in the tables in  
45 Appendix B.  
46 2. Minimum lot area shall be measured from the OHWM landward.  
47 3. Any portion of a lot having a width of less than 30' shall not be considered  
48 in determining the minimum lot area.  
49 4. Except for utility easements, any other easement or combination of  
50 adjacent easements which are greater than 20' in width shall not be used  
51 in determining the minimum lot area unless approved by the Department.  
52 5. Except for utility easements, that portion of a lot that exceeds the  
53 minimum area requirements of Wis. Admin. Code COMM 83 shall not be  
54 divided by easements unless approved by the Department.  
55 6. For lots on Class I Waterways, except for public and private parks, ~~80%~~  
56 10,000 contiguous square feet of the minimum lot area shall:  
57 a. Not contain any shoreland-wetlands.  
58 b. Is above the elevation of the regional flood as defined in Wis.  
59 Admin. Code NR 116.  
60 c. Is at least 2' above the highest known water elevation of any  
61 body of water whose regional flood is undefined  
62 d. Must have dryland access to a public or private road.  
63 7. For lots on Class II Waterways, except for public and private parks, ~~90%~~  
64 10,000 contiguous square feet of the minimum lot area shall:  
65 a. Not contain any shoreland-wetlands.  
66 b. Is above the elevation of the regional flood as defined in Wis. Admin.  
67 Code NR 116.  
68 c. Is at least 2' above the highest known water elevation of any  
69 body of water whose regional flood is undefined.  
70 d. Must have dryland access to a public or private road.  
71 8. For off-water lots in the shoreland area 10,000 contiguous square feet of  
72 the minimum lot area shall:  
73 a. Not contain any shoreland-wetlands.  
74 b. Is above the elevation of the regional flood as defined in Wis. Admin.  
75 Code NR 116.  
76 c. Is at least 2' above the highest known water elevation of any  
77 body of water whose regional flood is undefined.  
78 d. Must have dryland access to a public or private road.  
79

80 E. Minimum Riparian Frontage Width  
81

82 The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment  
83 #12-2009 by the Oneida County Board of Supervisors, cause a certified copy thereof to  
84 be transmitted by mail to all Town Clerks and to the Wisconsin Department of Natural  
85 Resources.  
86

87 Approved by the Planning and Zoning Committee this 3rd day of February, 2010  
88

89 Vote Required: Majority = \_\_\_\_\_ 2/3 Majority = \_\_\_\_\_ ¾ Majority = \_\_\_\_\_  
90

91 The County Board has the legal authority to adopt: Yes \_\_\_\_\_ No \_\_\_\_\_ as reviewed by the  
92 Corporation Counsel, \_\_\_\_\_, Date: \_\_\_\_\_  
93

94  
95 Offered and passage moved by: \_\_\_\_\_  
96 Supervisor  
97  
98 \_\_\_\_\_  
99 Supervisor  
100  
101 \_\_\_\_\_  
102 Supervisor  
103  
104 \_\_\_\_\_  
105 Supervisor  
106  
107 \_\_\_\_\_  
108 Supervisor  
109

110 Seconded by: \_\_\_\_\_  
111

112  
113 \_\_\_\_\_ Ayes

114  
115 \_\_\_\_\_ Nays

116  
117 \_\_\_\_\_ Absent

118  
119 \_\_\_\_\_ Abstain

120  
121  
122 \_\_\_\_\_ Adopted

123  
124 by the County Board of Supervisors this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

125  
126 \_\_\_\_\_ Defeated  
127

128  
129  
130 \_\_\_\_\_  
131 Robert Bruso, Clerk

130 \_\_\_\_\_  
131 Andrew P. Smith, County Board Chair